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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,243	01/22/2002	Maurice Israel	033532-001	8007
Norman H. Ste	7590 04/10/200 pno. Esquire	EXAMINER		
BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			MCINTOSH III, TRAVISS C	
			ART UNIT	PAPER NUMBER
			1623	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MO	NTHS	04/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## 10051.243 ISRAEL ET AL.		Application No.	Applicant(s)				
Traviss C. McIntosh Traviss C. McIntosh 1623 Traviss C. McIntosh 1623 Traviss C. McIntosh 1623 Traviss C. McIntosh 1623 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. If NO period for regly is specified dove. The mailing date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If NO period for regly is specified dove. The maining date of this communication. If	Office Action Survey	10/051,243	ISRAEL ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Exemisions of time may be available under the provisions of 3 CFR 1136(b), in or earth however, may reply be almoy lifed. If NO petiod for reply is sporified above, the maintain shaftony period will apply and shafton period to 19 Jun 2017. Failur to reply which the sort or extended petiod for reply is sporified above. The maining date of this communication. Failur to reply which the sort or extended petiod for reply is sporified. The application for the maining date of this communication, even if small prints from the maining date of this communication. Failur to replace may have been controlled to 19 January 2007. Status 1) □ Responsive to communication(s) filled on 19 January 2007. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 9.10 and 12 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) □ Claim(s) is/are allowed. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 8) □ Claim(s) 9.10 and 12 is/are rejected. 7) □ Claim(s) is/are objected to by the Examiner. 10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner. 10) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner. 11) □ The order	Office Action Summary	Examiner	Art Unit				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Editations of time myb be available under the provides of 3°C PR. 13°Cs). In no even, however, may a reply test mely field after SX (5) MONTHS from the realing date of this communication. Failuble or provided by the time to the contracted provide from the mailing date of this communication. Failuble or provided by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patient than depulsement. Set 3° CPR 1.704(b). Status 1) □ Responsive to communication(s) filed on 19 January 2007. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 9.10 and 12 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5□ □ Claim(s) 9.10 and 12 is/are rejected. 71□ □ Claim(s) is/are objected to. 8) □ Claim(s)	The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address				
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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/19/2007 has been entered.

Remarks drawn to rejections of Office Action mailed 6/6/2006 include: 103(a) rejections: which have been maintained in part for reasons of record, and

withdrawn in part.

An action on the merits of claims 9, 10, and 12 is contained herein below. The text of those sections of Title 35, US Code which are not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The rejection of claims 9, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Blache et al. (US 5,523,322) in view of Neiva et al. ("Aluminum induces lipid peroxidation and aggregation of human blood platelets", Brazilian Journal of Medical and Biological research, vol. 30, pp. 599-604, 1997) is withdrawn as applicants showing that no link between platelet aggregation and Alzheimer's disease was seen to be known at the time of the invention.

The rejection of claims 9, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Blache et al. (US 5,523,322) in view of Neu et al. ("Platelet aggregation and multiple sclerosis", Acta neurol. scandinav., vol. 66, pp. 497-504, 1982) is maintained for reasons of record.

Claims 9, 10, and 12 are drawn to methods of treating various diseases or conditions associated with the excessive release of glutamate, optionally being multiple sclerosis (MS), using compounds of formula I or II.

Blache et al. teach methods of inhibiting blood-platelet aggregation with compounds of formula I or II. What they do not teach is treating MS.

Neu et al. teach that platelet aggregation occurs in MS patients (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to administer the naphthoquinone derivatives of Blache et al. to treat MS with these references before them. The logic flows from the fact that Blache et al. teach that the compounds are capable of inhibiting platelet aggregation and Neu et al. teach that platelet aggregation occurs in MS patients. One would have been motivated to use the compounds in the methods of treating MS as the compounds are known to inhibit platelet aggregation and platelets are known to aggregate in MS patients.

Applicant's arguments filed 11/6/2006 have been fully considered but they are not persuasive. Applicants argue that while Neu states "An increased tendency to spontaneous aggregation of the blood platelets of MS patients could also be demonstrated", and that Neu hypothesized platelet aggregation could be demonstrated but did not show it. This is not found

persuasive. The fact that Neu showed MS patients had platelet aggregation compared to the control group is enough to make it obvious to treat an MS patient with a vasodilator, such as those taught by Blache et al. Applicants arguing that Blache does not mention MS is not seen to be convincing, as this is seen to be arguing the references individually. Neu et al. is seen to teach that platelet aggregation occurs in MS patients, and Blache teaches their compounds inhibit platelet aggregation, as such, it would be prima facia obvious to treat the platelet aggregation in an MS patient with an agent capable of inhibiting platelet aggregation. Moreover, because platelet aggregation is not the underlying cause of MS, does not mean that a skilled artisan would not provide an agent to an MS patient to treat a known MS symptom.

The rejection of claims 9, 10, and 12 under 35 U.S.C. 103(a) as being unpatentable over Blache et al. (US 5,523,322) in view of Lechner et al. ("Parkinson's with a high vascular risk – Lechner-Ott Syndrome", Wiener medizinische Wochenschrift, vol. 136, no. 15-16, pp. 387-91, 1986) is maintained for reasons of record.

Claims 9, 10, and 12 are drawn to methods of treating various diseases or conditions associated with the excessive release of glutamate, optionally being multiple sclerosis (MS), using compounds of formula I or II.

Blache et al. teach methods of inhibiting blood-platelet aggregation with compounds of formula I or II. What they do not teach is treating MS.

Lechner et al. teach that platelet aggregation occurs in Parkinsonism patients (abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to administer the naphthoguinone derivatives of Blache et al. to treat Parkinson disease with

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these references before them. The logic flows from the fact that Blache et al. teach that the compounds are capable of inhibiting platelet aggregation and Lechner et al. teach that platelet aggregation occurs in Parkinson patients. One would have been motivated to use the compounds in the methods of treating Parkinson as the compounds are known to inhibit platelet aggregation and platelets are known to aggregate in Parkinson patients.

Applicant's arguments filed 11/6/2006 have been fully considered but they are not persuasive. Applicants argue that the Parkinson's disease of Lechner was as specific type of Parkinson's with a vascular risk. However, the instant claims are drawn openly drawn to Parkinson's, and therefor include this vascular form. The fact that Lechner showed PD patients had platelet aggregation is enough to make it obvious to treat an PD patient with a vasodilator, such as those taught by Blache et al. Applicants arguing that Lechner does not mention MS is not seen to be convincing, as this is seen to be arguing the references individually. Lechner et al. is seen to teach that platelet aggregation occurs in PD patients, and Blache teaches their compounds inhibit platelet aggregation, as such, it would be prima facia obvious to treat the platelet aggregation in a PD patient with an agent capable of inhibiting platelet aggregation. Moreover, because platelet aggregation is not the underlying cause of PD, does not mean that a skilled artisan would not provide an agent to a PD patient to treat a known PD symptom.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traviss C. McIntosh whose telephone number is 571-272-0657. The examiner can normally be reached on M-F 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Traviss McIntosh March 24, 2007 Shaojia A. Jiang Supervisory patent Examiner Art Unit 1623